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Attorney for Plaintiff, Brookmead Partners LP,
a Nevada Limited Partnership

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

BROOKMEAD PARTNERS LP, a Nevada Limited Partnership, Plaintiff, v. Interinsurance Exchange of the Automobile Club, a California business entity, Saracia L.P. Shannahan, and William P. Shannahan, Higgs, Fletcher & Mack, LLP, a California business entity, Defendants. And Related Cross-Claims	**Case No.** 08 CV-659-JLS (WMC) **DECLARATION OF DARVY MACK COHAN IN OPPOSITION TO DEFENDANT SARACIA L.P. SHANNAHAN'S EX PARTE APPLICATION FOR EMERGENCY RELIEF FROM ORDER DATED JUNE 11, 2008 AND COURT'S ORDER TO SHOW CAUSE WITH RESPECT THERETO** Date: No Hearing Set Time: No Hearing Set Dept: Courtroom 6, 3rd Floor Judge: Hon. J. Sammartino

1. I am an attorney at law duly admitted to practice in the State of California and before this Court. The facts set forth herein are within my own knowledge, except at to those expressly stated upon information and belief, and I believe them to be true.

2. Attached to the Memorandum of Points and Authorities filed concurrently herewith and marked Exhibit 1 is a true and correct copy of the Certified Copy of the Certificate of Limited Partnership of Brookmead Partners, L.P.

3. Attached to the Memorandum of Points and Authorities filed concurrently herewith and marked Exhibit 2 is a true and correct copy of the Certified Copy of the Initial List of General Partners of Brookmead Partners, L.P.

4. Attached to the Memorandum of Points and Authorities filed concurrently herewith and marked Exhibit 3 is a true and correct copy of the relevant portions of the Reporter's Transcript in the Dissolution Case entitled Shannahan v. Shannahan, dated May 6, 2008.

5. I engaged Advanced Attorney Service (AAS) to effect service of process upon Mrs. Shannahan. Though AAS was diligent in attempting to effect service at the residence of Mrs. Shannahan, they were unsuccessful after 24 attempts made between April 11, 2008 and May 11, 2008, each made at various and differing times of the day and night. I am informed and believe and thereupon declare that on numerous occasions the server noted that the lights in the residence were turned on and off and that personal items could be seen and not seen through the windows, but no one would answer the door to the residence.

6. Attached to the Memorandum of Points and Authorities filed concurrently herewith and marked Exhibit 4 is a true and correct copy of the Non Service Report of AAS dated May 27, 2008.

7. On May 23, 2008, I contacted Mrs. Shannahan's attorney in the Dissolution proceedings, Win Heiskala, to inquire if she would accept service of the Summons and Complaint on behalf of Mrs. Shannahan. She informed me by return email that Mrs. Shannahan had retained Attorney Jill Sullivan to represent her. I sent a similar email to Ms. Sullivan, but received no response thereto.

8. Attached to the Memorandum of Points and Authorities filed concurrently herewith and marked Exhibit 5 is a true and correct copy of my email to Win Heiskala and Ms. Heiskala's response dated May 23, 2008.

9. Attached to the Memorandum of Points and Authorities filed concurrently herewith and marked Exhibit 6 is a true and correct copy of my email to Jill Sullivan dated May 23, 2008, to which I received no response.

10. Though she did not formally accept service of the pleadings until June 18, 2008, and prior thereto between April 11 and May 13, 2008, evaded service of process at her residence, I am informed and believe and thereupon declare that on May 6, 2008, Mrs. Shannahan included a copy of the original Complaint in this case as an exhibit to her pleadings filed in the Dissolution Case.

11. On June 6, 2008, I sent a copy of the Summons and First Amended Complaint herein to Attorney Jill Sullivan by mail and requested that she accept the same on behalf of Mrs. Shannahan by

Waiver of Service. Service was ultimately so accepted on behalf of Mrs. Shannahan on June 18, 2008.

12. Attached to the Memorandum of Points and Authorities filed concurrently herewith and marked Exhibit 7 is a true and correct copy of the letter to Ms. Sullivan dated June 6, 2008, along with a copy of the Notice of Lawsuit and Request for Waiver of Service and Waiver of Service forms.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on the 8th day of July, 2008, at La Jolla, California.

DARVY MACK COHAN